

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE AT NASHVILLE**

ROBERT D. ARMSTRONG, [*formerly known* )  
*as Robert D. Swan*], and )  
JOHN D. ARMSTRONG [*formerly known* )  
*as John D. Swann*], )

Plaintiffs, )

v. )

SYMETRA LIFE INSURANCE CO., )  
*Formerly known as Safeco Life Insurance* )  
*Company,* )  
AETNA CASUALTY & SURETY CO., )  
ST. PAUL TRAVELERS CASUALTY & )  
SURETY CO., )  
STRUCTURED BENEFITS OF FLORIDA, and )  
PACIFIC LIFE INSURANCE CO., )

Defendants. )

Civil Action No. \_\_\_\_\_

Judge \_\_\_\_\_

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JOINT NOTICE OF REMOVAL

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Pursuant to 28 U.S.C. § 1441(a), *et seq.*, defendants, Symetra Life Insurance Co. (“Symetra”), Travelers Casualty and Surety Co., as Successor to Aetna Casualty and Surety Co. (“Travelers Casualty and Surety”), Travelers Indemnity Co. (“Travelers”) (incorrectly named in the Complaint as St. Paul Travelers Casualty & Surety Co.), and Pacific Life Insurance Co. (“Pacific Life”) file this Joint Notice of Removal of this action from State Court to this Court and respectfully states as follows:

1. On August 29, 2008, plaintiffs, Robert D. Armstrong and John D. Armstrong (“Plaintiffs”) commenced a civil action in the Circuit Court for Robertson County, Tennessee (“the State Court”), bearing the style, *Robert D. Armstrong [formerly known as Robert D.*

*Swann*], and *John D. Armstrong [formerly known as John D. Swann] v. Symetra Life Insurance Co., Formerly known as Safeco Life Insurance Company, Aetna Casualty & Surety Co., St. Paul Travelers Casualty & Surety Co., Structured Benefits of Florida, and Pacific Life Insurance Co.*, Docket No. 12357 (“the Civil Action”). The Civil Action is still pending in the State Court.

2. Symetra, by and through the Tennessee Department of Commerce and Insurance, was served with a copy of the Summons and Complaint in the Civil Action on September 4, 2008, copies of which are attached as Exhibit A.

3. Travelers Casualty and Surety, by and through the Tennessee Department of Commerce and Insurance, was served with a copy of the Summons and Complaint in the Civil Action on September 4, 2008, copies of which are attached as Exhibit B.

4. Travelers, by and through the Tennessee Department of Commerce and Insurance, was served with a copy of the Summons and Complaint in the Civil Action on September 22, 2008, copies of which are attached as Exhibit B.

5. To date, Structured Benefits of Florida has neither been served with a copy of the Summons and Complaint in the Civil Action nor has it made any appearance in the State Court.

6. Pacific Life, by and through the Tennessee Department of Commerce and Insurance, was served with a copy of the Summons and Complaint in the Civil Action on September 4, 2008, copies of which are attached as Exhibit C.

7. The Civil Action is one of which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332 and 28 U.S.C. § 1367 and removal jurisdiction pursuant to 28 U.S.C. § 1441 in that:

- (a) Symetra Life Insurance Company, both at the time of filing of the Civil Action and as of the date of filing of this Notice, was and is a corporation incorporated under the laws of the State of Washington with its principal place of business in the State of Washington.

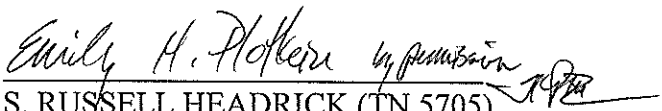
- (b) Travelers Casualty and Surety Co., as successor to Aetna Casualty and Surety Co., both at the time of filing of the Civil Action and as of the date of filing of this Notice, was and is a corporation incorporated under the laws of the State of Connecticut with its principal place of business in the State of Connecticut.
- (c) Travelers Indemnity Co., both at the time of filing of the Civil Action and as of the date of filing this Notice, was and is a corporation incorporated under the laws of the State of Connecticut with its principal place of business in the State of Connecticut.
- (d) According to the records of the Florida Department of State, Division of Corporations, Structured Benefits of Florida, Inc., was administratively dissolved on August 25, 1995. A copy of the record from the Florida Secretary of State confirming dissolution is attached as Exhibit D.
- (e) Pacific Life Insurance Company, both at the time of filing of the Civil Action and as of the date of filing this Notice, was and is a corporation incorporated under the laws of the State of Nebraska with its principal place of business in the State of California.
- (f) Plaintiff, Robert D. Armstrong, both at the time of filing of the Civil Action and as of the date of filing this Notice, was and is a citizen of the State of Tennessee.
- (g) Plaintiff, John D. Armstrong, both at the time of filing of the Civil Action and as of the date of filing this Notice, was and is a citizen of the State of Tennessee.
- (h) Jurisdiction exists between all parties properly joined in the civil action in that:
  - (i) The Civil Action is between citizens of different States;
  - (ii) The amount in controversy with regard to the claim of Robert D. Armstrong exceeds \$75,000, exclusive of interest and costs; and
  - (iii) The amount in controversy with regard to the claim of John D. Armstrong exceeds \$75,000, exclusive of interest and costs.
- (i) The Civil Action is within the original jurisdiction of the Court pursuant to the provisions of 28 U.S.C. § 1332 and 28 U.S.C. § 1367.

8. Defendants Symetra, Travelers Casualty and Surety, Travelers, and Pacific Life have filed this Notice prior to the expiration of thirty (30) days following its receipt of a copy of the Complaint by service or otherwise.

9. Defendants Symetra, Travelers Casualty and Surety, Travelers, and Pacific Life will give written notice to Plaintiffs and will file a Notice of Filing of Notice of Removal with the Clerk of the Circuit Court of Robertson County, Tennessee. Defendants Symetra, Travelers Casualty and Surety, Travelers, and Pacific Life attach a copy of the Notice of Filing of Notice of Removal as Exhibit E.

WHEREFORE, Defendants Symetra Life Insurance Co., Travelers Casualty and Surety Co., as successor to Aetna Casualty and Surety Co., Travelers Indemnity Co., and Pacific Life Insurance Co. pray that the Civil Action now pending against them in the Circuit Court of Robertson County, Tennessee, be removed therefrom to this Court.

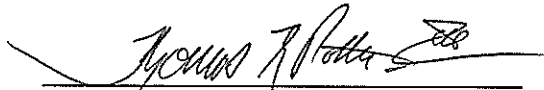
Respectfully Submitted,

  
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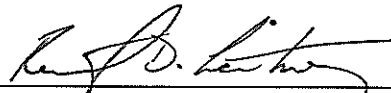
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*Attorneys for Defendant Pacific Life Insurance  
Company*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and exact copy of the foregoing *Joint Notice of Removal* has been served upon the following via prepaid U.S. Mail this 3<sup>rd</sup> day of October, 2008.

Fletcher W. Long  
Edward T. Farmer  
Long, Glover, Thomas & Associates  
115 Fifth Avenue West  
Springfield, Tennessee 37172

  
John Jay Matchulat (TN BPR No. 014055)